

a

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CLARENCE OTIS GIBSON #366576,
Plaintiff

CIVIL DOCKET NO. 5:23-CV-00861
SEC P

VERSUS

JUDGE TERRY A. DOUGHTY

E DUSTIN BICKHAM,
Defendants

MAGISTRATE JUDGE PEREZ-MONTES

TRANSFER ORDER

Before the Court is a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 filed by pro se Petitioner Clarence Otis Gibson (“Gibson”). Gibson is incarcerated at Dixon Correctional Institute in Jackson, Louisiana. He challenges a conviction and sentence imposed in the 24th Judicial District Court, Gretna, Louisiana.

Because this Court lacks jurisdiction, the Petition will be TRANSFERRED.

I. Background

Gibson was convicted of sexual battery and sentenced to 25 years of imprisonment. *State v. Gibson*, 09-486, p. 2 (La.App. 5 Cir. 3/9/10); 38 So.3d 373, 374, *writ denied*, 2010-0802 (La. 11/5/10); 50 So.3d 814. He challenges the conviction and resulting sentence.

II. Law and Analysis

Jurisdiction over an action brought pursuant to § 2254 is proper where an inmate is confined, or where the conviction was obtained. *See* 28 U.S.C. § 2241(d);

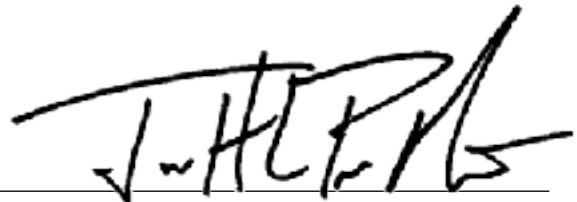
Wadsworth v. Johnson, 235 F.3d 959, 961–62 (5th Cir. 2002). Within the context of § 2241(d), courts have traditionally held that the most appropriate venue for challenges to the legality of a conviction is in the district court for the district where the state conviction and sentence occurred, while challenges to the implementation of the sentence, such as prison disciplinary matters, should be considered in the district court for the district where such person is in custody. *Story v. Collins*, 920 F.2d 1247, 1250–51 (5th Cir. 1991).

Dixon is incarcerated within the Middle District of Louisiana, and he was convicted in Jefferson Parish, which is in the Eastern District of Louisiana.

III. Conclusion

Accordingly, IT IS ORDERED that Gibson’s § 2254 Petition be and is hereby TRANSFERRED to the United States District Court for the Eastern District of Louisiana for further review.

SIGNED on Friday, December 8, 2023.

A handwritten signature in black ink, appearing to read 'J. H. L. P. M.', written over a horizontal line.

JOSEPH H.L. PEREZ-MONTES
UNITED STATES MAGISTRATE JUDGE